

## 2018 Current Fiscal Year Report: Industry Trade Advisory Committee on Intellectual Property Rights

Report Run Date: 06/05/2019 03:49:22 AM

### 1. Department or Agency

Department of Commerce

### 2. Fiscal Year

2018

### 3. Committee or Subcommittee

Industry Trade Advisory Committee on Intellectual Property Rights

### 3b. GSA Committee No.

21419

### 4. Is this New During Fiscal Year?

No

### 5. Current Charter

02/14/2018

### 6. Expected Renewal Date

02/14/2022

### 7. Expected Term Date

### 8a. Was Terminated During Fiscal Year?

No

### 8b. Specific Termination Authority

### 8c. Actual Term Date

### 9. Agency Recommendation for Next Fiscal Year

Continue

### 10a. Legislation Req to Terminate?

No

### 10b. Legislation Pending?

Not Applicable

### 11. Establishment Authority Statutory (Congress Created)

### 12. Specific Establishment Authority

P.L. 93-618

### 13. Effective Date

03/27/1975

### 14. Committee Type

Continuing

### 14c. Presidential?

No

### 15. Description of Committee National Policy Issue Advisory Board

### 16a. Total Number of Reports

2

### 16b. Report Date

#### Report Title

08/16/2018 Letter or Recommendation on the China Section 301 Proposed and Modified Actions

09/27/2018 Statutory Advisory Report on the Trade Agreement with Mexico and Potentially Canada

### Number of Committee Reports Listed: 2

### 17a. Open 0 17b. Closed 9 17c. Partially Closed 0 Other Activities 0 17d. Total 9 Meetings and Dates

#### Purpose

The Committee members met to be briefed and provide advice on the following issues, including: North American Free Trade Agreement (NAFTA), Korea, and the World Trade Organization as well as other multilateral and bilateral issues.

#### Start

#### End

10/04/2017 - 10/04/2017

The Committee members met to be briefed and provide advice on the following issues: North America Free Trade Agreement, World Trade Organization, World Intellectual Property Organization, Special 301, Korea, and Notorious Markets.

01/10/2018 - 01/10/2018

The Committee members met to be briefed and provide advice on the following issues: North America Free Trade Agreement, World Trade Organization, China, and other bilateral issues.	04/17/2018 - 04/17/2018
The Committee met to be briefed and provide advice on the following issues: China, North America Free trade Agreement, United Kingdom, Argentina, Paraguay, Southeast Asia, and multilateral institutions.	06/20/2018 - 06/20/2018
The Committee met to deliberate on a pre-decisional draft letter of recommendation on China Section 301 proposed and modified actions. The letter was finalized, adopted out of Committee, and sent forward to the Secretary of Commerce and the U.S. Trade Representative.	08/16/2018 - 08/16/2018
The Committee met to be briefed and provide advice on the North America Free Trade Agreement (NAFTA) 2.0 negotiations.	09/14/2018 - 09/14/2018
The Committee members met to deliberate on the first draft of the pre-decisional Statutory Advisory Report on the Trade Agreement with Mexico and potentially Canada. The Report was not finalized and another meeting was called to deliberate on a revised draft.	09/21/2018 - 09/21/2018
The Committee members met to deliberate on the revised pre-decisional draft Statutory Advisory Report on the Trade Agreement with Mexico and potentially Canada. The Report was not finalized and another meeting was required.	09/26/2018 - 09/26/2018
The Committee members met to deliberate on a 2nd revised pre-decisional draft Statutory Advisory Report on the Trade Agreement with Mexico and potentially Canada. The Report was finalized, adopted out of Committee, and sent forward to the U.S. Trade Representative with a copy to the Secretary of Commerce.	09/27/2018 - 09/27/2018

### Number of Committee Meetings Listed: 9

	Current FY	Next FY
<b>18a(1). Personnel Pmts to Non-Federal Members</b>	\$0.00	\$0.00
<b>18a(2). Personnel Pmts to Federal Members</b>	\$0.00	\$0.00
<b>18a(3). Personnel Pmts to Federal Staff</b>	\$39,325.00	\$40,000.00
<b>18a(4). Personnel Pmts to Non-Member Consultants</b>	\$0.00	\$0.00
<b>18b(1). Travel and Per Diem to Non-Federal Members</b>	\$0.00	\$0.00
<b>18b(2). Travel and Per Diem to Federal Members</b>	\$0.00	\$0.00
<b>18b(3). Travel and Per Diem to Federal Staff</b>	\$0.00	\$0.00
<b>18b(4). Travel and Per Diem to Non-member Consultants</b>	\$0.00	\$0.00
<b>18c. Other(rents,user charges, graphics, printing, mail, etc.)</b>	\$0.00	\$0.00
<b>18d. Total</b>	\$39,325.00	\$40,000.00
<b>19. Federal Staff Support Years (FTE)</b>	0.30	0.30

### 20a. How does the Committee accomplish its purpose?

The Committee shall perform such functions and duties and prepare such reports, as may be required by Section 135 of the Trade Act, with respect to the industry trade advisory committees. The Committee advises the Secretary and USTR on trade matters referred to in section 135(a)(1) of the Act, and is consulted regarding the matters referred to in section 135(a)(2) of the Act. The Committee provides detailed policy and technical advice, information, and recommendations to the Secretary and USTR regarding trade barriers, negotiation of trade agreements under section 2103 of the Bipartisan Trade Promotion Authority Act of 2002, and implementation of existing trade agreements affecting its sector.

### 20b. How does the Committee balance its membership?

Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance, the principal criterion for selection being ability to carry out the objectives of this Committee as set forth in Section 3 of the Charter. Secondary selection criteria are ensuring that the Committee is balanced in terms of points of view, demographics, geography, and company size.

#### **20c. How frequent and relevant are the Committee Meetings?**

Estimated Number of Meetings per Year - 6

#### **20d. Why can't the advice or information this committee provides be obtained elsewhere?**

This Committee is essential to carry out the Secretary and USTR's responsibilities under section 135(c)(2) of the 1974 Trade Act, as delegated by E.O. 11846 of March 27, 1975. There is no other Committee that can perform the duties of this Committee.

#### **20e. Why is it necessary to close and/or partially closed committee meetings?**

The Industry Trade Advisory Committees were established by the Trade Act of 1974 and in accordance with the Federal Advisory Committee Act (FACA). Subsection 135(f) of the Trade Act provides that the ITACs shall be exempt from the provisions of the FACA relating to open meetings, public notice, public participation, and public availability of documents when it is determined that the proceedings would, if disclosed, seriously compromise the Government's negotiating objectives or bargaining positions regarding trade policy matters. ITAC meetings routinely involve these kinds of discussions. The United States Trade Representative evaluates each meeting agenda and issues a Notice of Determination when it is necessary to close meetings.

#### **21. Remarks**

Subcommittees, or their equivalents, are authorized to be formed under the terms of the Committees' charters, which were issued pursuant to Subsection 135 (f) of the Trade Act of 1974 (Public Law 93-618) as amended, and the Federal Advisory Committee Act (Public Law 92-463). Because subcommittees, or their equivalents, do not report out independently but through the parent Committee, the costs are included under the parent Committee.

#### **Designated Federal Officer**

Jennifer Carton International Trade Specialist

Committee Members	Start	End	Occupation	Member Designation
Alton, Esq., Gregg	02/28/2018	02/14/2022	Gilead Sciences, Inc.	Representative Member

Brandt, Esq., Michael	12/04/2014	02/14/2018	Lam Research Corporation	Representative Member
Castellano, Michael	02/28/2018	02/14/2022	The Walt Disney Company	Representative Member
Coletti, Esq., Paul	02/28/2018	02/14/2022	Johnson & Johnson	Representative Member
Crabtree-Ireland, Esq., Duncan	03/21/2016	02/14/2018	Screen Actors Guild-American Federation of Television and Radio Artists	Representative Member
Francer, Jeffrey	02/28/2018	02/14/2022	Association for Accessible Medicines	Representative Member
Gill, Erin-Michael	02/28/2018	02/14/2022	Consultant, representing MDB Capital Group LLC	Representative Member
Kaufman, Roy	02/28/2018	02/14/2022	Copyright Clearance Center	Representative Member
Kjeldgaard, Richard	03/13/2014	02/14/2018	Consultant, representing Pharmaceutical Research and Manufacturers of America	Representative Member
Kushan, Jeffrey	02/28/2018	02/14/2022	Legal Advisor, representing Biotechnology Industry Organization	Representative Member
Mgbojikwe, Bojou	02/28/2018	02/14/2022	Entertainment Software Association	Representative Member
Moga, Thomas	02/02/2008	02/14/2022	Legal Advisor, Representing Ford Global Technologies, LLC	Representative Member
Morris, Shawna	02/28/2018	02/14/2022	Consultant Representing the U.S. Dairy Export Council	Representative Member
Nackman, Esq., Mark	07/17/2014	02/14/2018	General Dynamics/National Steel and Shipbuilding Company (NASSCO)	Representative Member
Ong, Ryan	02/28/2018	02/14/2022	National Association of Manufacturers	Representative Member
Rosenbaum, Esq., Kevin	02/28/2018	02/14/2022	Consultant Representing International Intellectual Property Alliance	Representative Member
Trainer, Timothy	02/28/2018	02/14/2022	Galaxy Systems, Inc.	Representative Member
Wang, Chen	02/28/2018	02/14/2022	American Intellectual Property Law Association	Representative Member
Waterland, Leah	02/28/2018	02/14/2022	Cisco Systems, Inc.	Representative Member
Watrous, Jr., Esq, Bruce	02/24/2015	02/14/2018	Apple Inc.	Representative Member
Weston-Dawkes, Esq., Matthew	02/28/2018	02/14/2022	E. & J. Gallo Winery	Representative Member
Young, Jennifer	02/28/2018	02/14/2022	Pfizer, Inc.	Representative Member

**Number of Committee Members Listed: 22**

## Narrative Description

The Committee shall perform such functions and duties and prepare such reports as may be required by section 135 of the Trade Act with respect to the industry trade advisory committees. The Committee advises the Secretary and the USTR concerning the trade matters referred to in section 135(a)(1) of the Trade Act, and is consulted regarding the matters referred to in section 135(a)(2) of the Trade Act. The Committee functions solely as an advisory committee in accordance with the provisions of the FACA, as amended, 5 U.S.C. App., with the exceptions set forth in the Trade Act. In particular, the Committee

provides detailed policy and technical advice, information, and recommendations to the Secretary and the USTR regarding trade barriers, negotiation of trade agreements, and implementation of existing trade agreements affecting its sectors; and performs such other advisory functions relevant to U.S. trade policy as may be requested by the Secretary and the USTR or their designees.

**What are the most significant program outcomes associated with this committee?**

Checked if Applies

- |   |                                     |
|---|-------------------------------------|
| Improvements to health or safety                  | <input type="checkbox"/>            |
| Trust in government                               | <input checked="" type="checkbox"/> |
| Major policy changes                              | <input checked="" type="checkbox"/> |
| Advance in scientific research                    | <input type="checkbox"/>            |
| Effective grant making                            | <input type="checkbox"/>            |
| Improved service delivery                         | <input type="checkbox"/>            |
| Increased customer satisfaction                   | <input type="checkbox"/>            |
| Implementation of laws or regulatory requirements | <input type="checkbox"/>            |
| Other   | <input type="checkbox"/>            |

**Outcome Comments**

N/A

**What are the cost savings associated with this committee?**

Checked if Applies

- |                            |                                     |
|----------------------------|-------------------------------------|
| None                       | <input checked="" type="checkbox"/> |
| Unable to Determine        | <input type="checkbox"/>            |
| Under \$100,000            | <input type="checkbox"/>            |
| \$100,000 - \$500,000      | <input type="checkbox"/>            |
| \$500,001 - \$1,000,000    | <input type="checkbox"/>            |
| \$1,000,001 - \$5,000,000  | <input type="checkbox"/>            |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/>            |
| Over \$10,000,000          | <input type="checkbox"/>            |
| Cost Savings Other         | <input type="checkbox"/>            |

**Cost Savings Comments**

N/A

**What is the approximate Number of recommendations produced by this committee for the life of the committee?**

5

### **Number of Recommendations Comments**

On average 2-3 recommendations are made annually. The total number of recommendations is for the 2014-2018 charter term.

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

0%

### **% of Recommendations Fully Implemented Comments**

No measureable calculation. Committee members that give advice to U.S. trade negotiators, typically do not receive feedback from negotiators regarding how their advice has been applied or utilized within the various bilateral and multilateral trade negotiations.

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

0%

### **% of Recommendations Partially Implemented Comments**

No measureable calculation. Committee members that give advice to U.S. trade negotiators, typically do not receive feedback from negotiators regarding how their advice has been applied or utilized within the various bilateral and multilateral trade negotiations.

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☒ No ☐ Not Applicable ☐

### **Agency Feedback Comments**

Most feedback is rendered orally during meetings; when written advice is sent to the Secretary of Commerce and the USTR, or their designees, it is reviewed by Secretary's policy staff and tasked to appropriate ITA unit to prepare a draft response. Commerce internal procedures require that all responses for Secretarial signature (and/or joint signature with USTR) go through a formal concurrence process which ensures that the appropriate level Commerce officials are seeing the advice and have a chance for comment. The Under Secretary of Commerce for International Trade reviews and clears prior to the Secretary's signature, which ensures that ITAC advice is weighed and considered.

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

Reorganized Priorities	<input checked="" type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input checked="" type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Action Comments**

N/A

**Is the Committee engaged in the review of applications for grants?**

No

**Grant Review Comments**

NA

**How is access provided to the information for the Committee's documentation?**

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Access Comments**

N/A